

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA**

United States of America,

Plaintiff;

v.

Terry Johnson, in his official capacity as
Alamance County Sheriff,

Defendant.

No. 12-cv-1349

**UNITED STATES' REPLY IN
SUPPORT OF ITS MOTION TO STAY
THE MAGISTRATE'S JULY 30, 2013,
ORDER**

UNITED STATES' REPLY IN SUPPORT OF ITS MOTION TO STAY

The United States filed a timely Motion to Stay, ECF No. 37, the Magistrate's July 30, 2013, Order, ECF No. 34, pending the resolution of the United States' Motion for Reconsideration, ECF No. 36. The July 30th Order granted Defendant's Motion to Compel, ECF No. 23, instructing the United States to provide responses to three of Defendant's interrogatories, over the United States' contention that the confidential informant privilege protects that information. A stay is necessary to protect the confidentiality of the United States' informants while the Motion for Reconsideration is pending and to preserve the District Court's ability to provide meaningful relief on that Motion.

Defendant's Opposition to the United States' Motion to Stay argues chiefly that a stay would prejudice his case preparation. ECF No. 43. Specifically, Defendant argues that if a stay were granted, and he was therefore not immediately given the names of the

United States' confidential informants, it "would have the effect of preventing discovery on the issues which are the subject of the Motion to Compel." ECF No. 43, at 5. To the contrary, a stay will not prejudice Defendant's case preparation, as the United States has repeatedly pledged that it will not rely on the informants sought by Defendant's interrogatories unless Defendant has an opportunity to take their depositions, regardless of whether the October 4, 2013, fact discovery deadline in this case has passed. *See* ECF No. 36, at 2; ECF No. 50, at 1, 7. Therefore, a stay will have no impact on Defendant's ability to prepare for the evidence that the United States will present at trial.

For the foregoing reasons, the United States respectfully asks the Magistrate to stay its July 30, 2013, Order pending the District Court's review.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing United States' Reply in Support of Its Motion to Stay was served through the electronic filing service on September 24, 2013, to the following individual:

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